Office of The Ombudsman, Hong Kong

Direct Investigation Report

Arrangements for Production, Distribution, Stocktaking and Use of CSI Masks

Completion Date: 14 December 2020

□□□□□□□2020□12□17□

Announcement Date: 17 December 2020

[illegible]

[illegible] **www.ombudsman.hk** [illegible]

[illegible]

This report is published in Chinese and supplemented by
an Executive Summary in Chinese and English.
This report is also available on our website at
www.ombudsman.hk.
English version of the report will be uploaded soon.

□□

□□□□

□□ □□

1 □□

□□	1.1 – 1.4
□□□□	1.5
□□□□	1.6 – 1.8

2 □□□□□□□□□□□ CSI □□□□□

□□□□	2.1 – 2.3
CSI □□□□□□□□	2.4 – 2.10
CSI □□□□□	2.11 – 2.12
□□ CSI □□□□□	2.13 – 2.21
□□□□□□□	2.22 – 2.27
□□ CSI □□□□□	2.28 – 2.30

3 □□□□□□□□□□□ CSI □□□□□

□□□□	3.1 – 3.3
□□□□□□□	3.4 – 3.12
□□□□□□□	3.13 – 3.23
□□□□□□□	3.24 – 3.25

4 □□□□□□ CSI □□□□□□□□□□

□□□□	4.1 – 4.2
□□□□□	4.3 – 4.4
□□□□	4.5 – 4.9

[illegible] 4.10 – 4.13
[illegible] 4.14 – 4.16
[illegible] 4.17 – 4.18
[illegible] 4.19 – 4.21

5 [illegible]
[illegible] 5.1 – 5.7
[illegible] 5.8 – 5.10
[illegible] 5.11

6 [illegible]
[illegible] 6.1 – 6.2
CSI [illegible] 6.3 – 6.8
[illegible] CSI [illegible] 6.9 – 6.14
[illegible] CSI [illegible] 6.15 – 6.24
[illegible] 6.25 – 6.39
[illegible] 6.40
[illegible] 6.41

[illegible]
[illegible] 1 [illegible]
[illegible] 2 [illegible] 2015/16 [illegible] 2019/20 [illegible]
[illegible] 3 [illegible] 2017/18 [illegible] 2019/20 [illegible]

有關CSI口罩的生產、分發、點存和使用安排主動調查報告摘要

引言

由懲教署生產的過濾口罩（「CSI口罩」），主要供應給政府物流服務署（「物流署」），並由物流署分發給各政策局及部門（「用家部門」）使用。2020年1 月，本港出現首宗2019冠狀病毒病（「COVID-19」）確診個案。隨着疫情的演變，市民對過濾口罩的需求出現急速增加，市面過濾口罩的供應變得嚴重短缺。與此同時，有傳媒和市民指出，市面有CSI口罩出售；亦有市民向本署投訴，懷疑有人濫用CSI口罩。

2. 有見及此，本署向懲教署和物流署展開主動調查，審研兩部門在CSI口罩的生產、分發和點存
方面的機制、程序和執行情況，以查證當中是否有不妥善之處，並在有需要時向當局提出改善建議。此外，本署亦抽選了五個用家部門（即食物環境衞生署、香港海關、政府統計處、選舉事務處和機電工程署）作為查詢對象，希望透過以上七個部門提供的資料，進一步了解一般用家部門如何管理及使用CSI口罩。

3. 另外，因應COVID-19疫情，香港海關（「海關」）於2020年 1 月27日起展
開代號「守護者」的全港性大規模防疫產品巡查執法行動。本署亦向海關索取了有關「守護者」行動中與 CSI口罩有關的資料。

4. 綜合調查所得，本署有以下評論。

本署的評論

CSI口罩由生產至付運之整體安排按序進行

5. 懲教署總部工業及職業訓練組（「總部工業組」）以電腦化的生產管理及控制系統（「管控系
統」）監察不同產品（包括CSI口罩）由原材料採購至製成品付運的整個生產過程，包括透過「管控系統」了解及掌握有關訂單的完成程度、原材料耗用情況、產品付運的安排等。所有由供應商提供及從工業物料倉庫取得的原材料的資料，以及已完成製作和已付運的產品數量，均須記錄在「管控系統」內。

6. 就CSI口罩而言，懲教署會定期向原材料供應商發出採購訂單，並要求對方將有關的原材料運
送至指定的送貨地點，而當相關院所收到原材料後，須存放於已上鎖的工業物料倉庫。在收到顧客訂單後，總部工業組便會透過「管控系統」，向相關院所的口罩工場發出工作訂單，讓有關工場根據工作訂單上列明的口罩數量，作出相應的生產安排，包括從工業物料倉庫提取足夠的原材料，而有關職員在進入倉庫工作前及後，均須按既定程序領取及歸還鎖匙。

7. 尚待發貨的口罩製成品均暫存於上述的工業物料倉庫，有關職員如欲進出倉庫以提取口罩，同樣
須按既定程序領取及歸還鎖匙。在付運口罩給客戶前，相關院所負責內部運輸的職員須向大閘主管出示由總懲教主任、工業經理／工業聯絡主任或獲其授權的代表簽發的通行證（「出閘紙」），並由大閘主管核對運離院所的口罩後在「出閘紙」上簽署，然後才將有關口罩交由合約運輸承辦商付運給客戶，以確保不會有多於獲批的口罩被運離院所。懲教署亦要求承辦商在完成付運口罩後必須交回經客戶簽收的送貨單，才可獲發運輸費用，從而確保承辦商盡力妥善完成付運。

8. 如在製作口罩過程中生產出不合格口罩，有關的在囚人士和職員會按既定程序，剪破並棄置該些
口罩，以確保有關口罩不能使用。

9. 在點存口罩方面，懲教署每半年盤點所有產品（包括CSI口罩），並透過對照盤點記錄和「管
控系統」中的記錄，以了解有否口罩製成品及半製成品遺失或記錄不符的情況，以及不同的原材料有否出現點算出來的實際使用數量比預算多或少的情況。該署於 2015/16至2019/20年度所進行的盤點中，未曾發現有關口罩的原材料、半製成品及／或製成品遺失或記錄不符的情況。

10. 本署檢視懲教署在採購口罩原材料、生產以至付運口罩的整個流程後認為，該署整套機制大致完
善。在防止口罩被挪用方面，該署就保管、付運、點存，以及銷毀不合格口罩這四項關鍵程序已制訂合適的保護措施。本署在審研懲教署所提供的資料及記錄後，並無發現任何跡象顯示該署未有遵行上述機制行事。

由採購至分發CSI口罩之整體安排未見漏洞

11. 物流署以電腦化的常備庫存物料系統（「物料系統」）處理部門的訂單，包括記錄不同物料的收
貨量及支貨量、部門對不同物料的預計需求量，以及不同物料的送貨安排等。

12. 就口罩（包括CSI口罩）而言，物流署在每個財政年度開始前，會先要求各部門提交下一個財
政年度對各種口罩的預計需求量，並在審視所有部門的預計需求量後，按該署的口罩庫存量及部門的總預計需求量，以安排其後的採購工作，包括要求供應商將口罩適時運送至該署，以及將採購得來而尚未付運至各部門的口罩存放在該署設有保安措施的常備庫存物料倉，而相關職員均須登記以領取及歸還倉庫鎖匙。該署亦會根據《物料供應及採購規例》（「《規例》」）的相關規定，安排不同人員突擊抽查常備庫存物料倉的保安措施。

13. 在每個財政年度開始後，部門可透過「物料系統」向物流署發出電子訂單，要求物流署分發有關
口罩。若有部門於財政年度開始後欲增加其已獲批准的口罩分發量，則須先聯絡物流署並提供原因，讓該署按各項因素作出審視，而有關部門須經該署批核後才可透過「物料系統」向該署發出電子訂單。

14. 在收到部門發出的電子訂單後，物流署會同時參考「先進先出」的原則及有關口罩的建議儲存期，
來決定先分發常備庫存物料倉內的哪些口罩，然後將有關口罩交予該署轄下的運輸車隊或外判運輸承辦商運送

至提貨部門。無論是該署的車隊或承辦商，均須交回由提貨部門簽署作實的送貨單，以確認有關的付運程序經已完成。

15. 至於點存口罩，物流署會備存所有物料（包括CSI口罩）的收發記錄，亦會按照《規例》的相
關規定，定期查核常備庫存物料倉的存貨，而根據該署 2013年至2019年的記錄，有關人員並無發現 CSI口罩的存貨量與記錄不符的情況。

16. 在檢視物流署由採購至付運口罩（包括CSI口罩）給各部門的整個流程後，本署認為，該署的
整套機制完備。為防範有人從中挪用口罩，該署亦已在口罩（包括CSI口罩）的儲存、付運和點存這三項關鍵程序上採取合適的保護措施。本署在審研物流署所提供的資料及記錄後，並無發現任何跡象顯示該署未有遵照有關程序行事。

個別部門於疫情發生前的口罩分發機制存有差異

17. 在本署向公眾宣布展開是項主動調查後，有市民向本署指稱個別部門於疫情發生前的口罩分發機
制寬鬆，當中更有人指稱某部門有職員會將剩餘的口罩儲起，並在疫情發生後提供予親友使用。

18. 綜合七個部門的資料，於疫情發生前，有個別部門會把大部分口罩分發給職員並保留少量備用；
有些則會把部分口罩放在工作間，供職員取用；亦有部門僅應職員要求才提供口罩，而所有部門均不會要求職員簽收口罩。雖然將口罩先行分發給職員，相較於上述另外兩種做法，所產生的行政成本較低，惟職員有可能因此獲取超過其實際所需的數量，或增加將口罩轉贈或轉售他人的風險。

19. 本署須指出，於疫情發生前，口罩供應並不緊張，且屬價值不高的耗用物品，與其他消耗品一樣，
部門或其轄下單位獲分發口罩後，根據《規例》亦無須作詳細記錄。故此，本署認為，即使有部門於疫情前選擇將口罩先行分發給職員，亦是可以理解。事實上，在疫情發生後，為盡力減低口罩被濫用的機會，所有七個部門均已因時制宜，收緊有關的分發安排，包括安排指定職員負責分發、保管、記錄口罩的分發情況，或要求職員簽收；亦有按財經事務及庫務局（「財庫局」）的要求，在2020年2月下旬至5月上旬，每星期點算並向該局提交口罩庫存量，做法正確。

20. 無論如何，早前一宗於2020年9月23日被東區裁判法院裁定違反《商品說明條例》的
個案，揭示了的確有CSI口罩在市面出售。長遠而言，為減低CSI口罩及其他個人防護裝備被濫用甚或轉售圖利的風險，本署建議，物流署應就在日常及緊急情況下如何分發、管理個人防護裝備（包括 CSI口罩）及監察其使用量，為部門制定指引，以便有關部門得以遵從。

個別部門的處理過期口罩程序不夠嚴謹

21. 本署從海關提供的資料中得悉，該部門早前在調查一宗違反《商品說明條例》個案期間，除揭發
涉事藥房東主出售CSI口罩外，亦發現兩個分別印上「製造日期09 OCT 2014」及「製造日期 21 NOV 2014」的CSI口罩舊款綠色包裝盒。這宗個案揭示了在市面上出售的CSI口罩有可能是過期應予丟棄的CSI口罩。

22. 鑑於過期CSI口罩的來源有可能是部門丟棄的口罩，本署遂檢視了七個部門處理過期口罩（包
括CSI口罩）的程序。在七個部門當中，有部門會安排職員將過期口罩及其包裝盒剪破，然後放入垃圾膠袋內封好才丟掉，亦有部門於疫情初期，在口罩供應極為短缺的情況下，保留了狀況良好的過期口罩作最後應急之用，並將部分過期口罩分發給職員作緊急備用。綜合網上資料及有公務員向本署提供的資料，指有部門向屬下職員分發過期的CSI口罩，本署認為，如果指稱屬實，這很有可能是源於有部門在疫情初期口罩供應緊張之際，將留作最後應急的過期CSI口罩分發予屬下職員。

23. 本署注意到，物流署向各部門發出的「政府物料管理指引和程序」中列明，各部門應按照《規
例》相關規定處理過期物料，惟因《規例》未有特別規限各部門就處理過期口罩的具體程序，故各部門的做法各有不同。本署理解有部門在口罩供應極為短缺的情況下，經權衡利弊後作出保留及／或分發狀況良好的過期口罩的折衷決定。然而，本署認為，口罩的質量及過濾效能在過期後或會下降，若有部門將過期口罩分發予職員使用，又或因處理過期口罩的程序不夠嚴謹以致被任何人士撿拾並使用，除了或會未能保障該些人士的健康外，更可能繼而影響公共衞生。為免有部門職員或任何人士使用過期口罩，以及有效防止過期口罩流出市面，本署建議，物流署應盡快向部門發出指引，加強提醒各部門按「先進先出」及口罩建議儲存期來分發口罩，以盡量避免口罩未經使用便過期，以及在有關指引中列明一套統一且嚴謹的處理過期口罩程序，從而確保過期口罩不會被使用及流出市面。

24. 本署亦建議，物流署亦應藉此機會，一併就如何處理過期的其他個人防護裝備，制定並向部門發
出關於處理過期個人防護裝備（除口罩外）的指引，確保過期裝備不會被分發予部門職員使用，亦不會在丟棄後被任何人士撿拾使用，甚或圖利。本署認為，失去應有保護作用的個人防護裝備，包括口罩，或會構成個人及公共衞生安全隱患，當局必須正視。

未有證據顯示CSI口罩大規模或有系統地流出市面

25. 本署展開此項主動調查，正是源於有傳媒和市民指出有CSI口罩在市面出售。儘管本署人員在
深水埗一帶的藥房實地視察時未有任何發現，但本署認為，早前一宗被法院裁定違反《商品說明條例》的個案，已確切證明了有藥房出售CSI口罩。然而，根據海關向本署提供的資料，在2020年 1 月27日至 2020 年10月31 日，該部門就「守護者」行動巡查超過3.8萬間次的零售點，惟除上述個案外，其人員並未發現有CSI口罩獨立或連包裝盒在展示出售。本署認為，從「守護者」行動的數據上來看，某程度上反映本港並未有CSI口罩大規模或有系統地流出市面的情況，同時海關查獲的，亦可能僅為過期應予丟棄的CSI口罩。

26. [illegible] CSI [illegible] CSI [illegible]

27. [illegible]

*[illegible] **CSI** [illegible]*

28. [illegible] CSI [illegible] CSI [illegible]

29. [illegible] 2020 [illegible] 2 [illegible] 4 [illegible] 2020 [illegible] 11 [illegible] 27 [illegible] CSI [illegible] CSI [illegible]

*[illegible] **CSI** [illegible]*

30. [illegible] CSI [illegible] CSI [illegible] COVID-19 [illegible] CSI [illegible] CSI [illegible] CSI [illegible] COVID-19 [illegible]

[illegible]

31. 本署留意到，除政策局及部門外，本署、廉政公署、獨立監察警方處理投訴委員會、司法機構、
公務員敍用委員會及立法會秘書處此六個「非政策局及部門」均可向物流署要求分發口罩。本署認為，物流署在供應充足的情況下分發口罩予「非政策局及部門」，讓以公帑營運的機構得以較低成本購買口罩，本無特別問題；然而，本署留意到，其他性質類似的法定機構卻不在名單之列。本署認為，物流署應重新檢視在日常情況下可向該署要求分發口罩的「非政策局及部門」名單。

汲取是次應對疫情的經驗以制訂應變指引

32. 本署在進行此項主動調查時，留意到懲教署於2020年 1 月便已停止接受物流署以外機構的
口罩訂單及繼續保留小部分口罩作內需之用，以集中資源應付各部門對CSI口罩的需求。此外，該署亦於同月陸續開展各種增加口罩生產量的工作，並成功將產量由2018/19年度的每月約 101.1 萬個，逐步提高至2020年3月的405.7萬個。

33. 至於物流署，則於2020年 1 月起透過不同途徑和方式接洽生產商及供應商，包括直接採購
口罩。另外，物流署亦曾於2020年 1 月底以公開招標形式採購口罩，以接觸更多供應商及爭取更廣泛貨源。此外，為準確評估部門於疫情下對口罩的需求，財庫局於2020年2月初指示各部門重新檢視每月的醫療用途口罩需求量，讓物流署得以盡快作出相應的採購安排，以維持向各部門供應足夠的口罩。

34. 本署認為，懲教署和物流署已克盡本份，盡力應付部門在疫情下急增的口罩需求。為確保兩署在
日後一旦遇上同類或其他緊急事故時能盡快作出合適應對，本署建議，懲教署應檢視是次經驗，就在疫情及／或其他緊急事故下接受口罩及／或其他個人防護裝備訂單的準則和優先次序，以及增加口罩及／或其他個人防護裝備生產量的相應安排，制訂緊急應變指引；而物流署亦同樣應汲取是次經驗，就在疫情及／或其他緊急事故下收集及評估部門對口罩及／或其他個人防護裝備的需求，以及採購口罩及／或其他個人防護裝備的相應安排，制訂出務實及合適的應變指引。

未有適時披露更多資料以應對坊間傳言及市民查詢

35. 在COVID-19疫情初期，本港經歷了一場「口罩荒」，與此同時，關於CSI口罩懷疑
被濫用的報道、網上資料，以至傳言均被廣泛流傳，除了引起公眾關注及質疑CSI口罩被濫用外，亦導致社會上出現要求政府清楚交代CSI口罩生產和出售詳情的情況。惟相關部門均認為，採購個人防護裝備的工作當時正面對激烈競爭，故不宜公開披露個人防護裝備（包括CSI口罩）的庫存、使用量、購買量和金額等具體資料，以免損害物流署及各部門採購個人防護裝備的議價能力。此外，本署亦收到不少與索取CSI口罩資料相關的《公開資料守則》投訴。

36. 本署認為，是次CSI口罩去向最終變成全城關注的課題，其中由於公眾未能在有限的資料下了
解及掌握有關部門在CSI口罩的生產、分發、點存、管理方面的工作。而在公眾希望獲知更多資料卻不得要領的情況下，便會引伸出更多猜疑與聯想。本署固然理解，相關部門當時忙於處理疫情所帶來的繁重工作，亦

須考慮到主動公布有關資料會否反而對其處理疫情的工作及相關持份者造成影響，惟任由公眾繼續猜疑及讓傳言發酵，只會加深公眾以為政府有所隱瞞的印象。

37. 本署欣悉，政府最終於2020年8月向公眾發表「有關個人防護裝備的報告」，以公開政府採購、庫存和分發個人防護裝備（包括CSI口罩）的資料。本署亦希望相關部門參考是次經驗，深思一旦遇上類似事件，應如何就公眾利益、盡量不影響相關部門的工作等因素作全盤考慮，適時及適當地披露相關資料，以消除公眾疑慮，以免影響市民對政府的信任。

本署的建議

38. 基於以上所述，申訴專員對懲教署和物流署有以下建議：

懲教署

(1) 重新檢視在日常情況及緊急事故下接受訂購CSI口罩的政策，包括考慮就銷售對象
訂定優先次序、改變接受物流署以外機構的口罩訂單的方式及訂立接單的機制，並提升
有關資訊的透明度；

(2) 檢視是次應對部門口罩需求急增的經驗，就日後在疫情及／或其他緊急事故下接受口罩
及／或其他個人防護裝備訂單的準則和優先次序，以及增加口罩及／或其他個人防護裝
備生產量的相應安排，制訂緊急應變指引；
物流署

(3) 就在日常情況及緊急事故下如何分發、管理個人防護裝備（包括CSI口罩）及監察
其使用量，制定並向部門發出指引；

(4) 盡快就處理過期口罩的恰當方法向部門發出指引，讓各部門得以跟從一套統一且嚴謹的
處理程序，並在有關指引中加強提醒各部門按「先進先出」及口罩建議儲存期來分發口
罩；

(5) 就如何處理過期的非口罩個人防護裝備（例如N95呼吸器），制定並向部門發出指
引；

(6) 重新檢視在日常情況下哪些「非政策局及部門」可向該署要求分發口罩；以及

(7) 檢視是次應對部門口罩需求急增的經驗，就日後在疫情及／或其他緊急事故下收集及評估部門對口罩及／或其他個人防護裝備的需求，以及採購口罩及／或其他個人防護裝備
的相應安排，制訂出務實及合適的應變指引。

申訴專員公署
2020年12月

Executive Summary
Direct Investigation Report

Arrangements for Production, Distribution, Stocktaking and Use of CSI Masks

Introduction

The Correctional Services Department ("CSD") manufactures filter masks ("CSI masks"), which are mainly supplied to the Government Logistics Department ("GLD"), and then distributed by GLD for use by various policy bureaux and departments ("B/Ds" or "user B/Ds"). In January 2020, Hong Kong reported its first confirmed case of coronavirus disease 2019 ("COVID-19"). Following the development of COVID-19, there was a spike in public demand for filter masks, resulting in an acute shortage of supply. Meanwhile, the media and members of the public reported that CSI masks were on sale in the market, and this Office also received public complaints about alleged misuse of CSI masks.

2. Against this background, we launched a direct investigation against CSD and GLD to examine their mechanisms, procedures and implementation with respect to the production, distribution and stocktaking of CSI masks, so as to identify any inadequacies and make improvement recommendations to the authorities where necessary. We also obtained information from five user B/Ds (namely the Food and Environmental Hygiene Department, the Customs and Excise Department, the Census and Statistics Department, the Registration and Electoral Office, and the Electrical and Mechanical Services Department). We hope to learn more about how CSI masks were handled by user B/Ds in general through examining the information provided by the above seven departments.

3. Besides, in response to the COVID-19 outbreak, the Customs and Excise Department ("C&ED") has launched a large-scale operation codenamed "Guardian" since 27 January 2020 to carry

out spot checks of common protective items across the territory. We also obtained from C&ED the data related to CSI masks under "Operation Guardian".

4. Based on the investigation findings, our comments are as follows.

Our Comments

Overall Arrangements from Production to Delivery of CSI Masks were Duly Followed - CSD

5. The Industries and Vocational Training Section of CSD's Headquarters ("HQ I&VT Section") uses the computerised Manufacturing Management and Control System ("MMCS") to monitor the entire production process from procurement of raw materials to delivery of a wide range of finished products (including CSI masks). In particular, it reviews and controls the completion of purchase orders, consumption of raw materials, delivery of goods, etc. via MMCS. All data concerning the supply of raw materials from suppliers and the retrieval of those materials from industrial warehouses, as well as the quantity of masks produced and delivered are inputted into MMCS.

6. For CSI masks, CSD places purchase orders periodically with its raw material suppliers, requiring them to deliver the raw materials to specified locations. Upon receiving the raw materials, the institutions will store them in their industrial warehouses which are secured by locks. After receiving a client order, HQ I&VT Section will issue job orders via MMCS to the institution workshops for commencing production of masks according to the quantity specified in the order, including retrieving sufficient raw materials from the industrial warehouses. To access the warehouses, staff are required to collect and return the keys according to established procedures.

7. Finished masks awaiting delivery are temporarily stored in

the industrial warehouses mentioned above. Similarly, to access the warehouses to retrieve the masks, staff are required to collect and return the keys according to established procedures. Before delivery of masks to a client, the institution officer responsible for internal logistics is required to present to the gate supervisor a barrier permit issued by a chief officer, industries manager/coordinator or their authorised representatives. After verifying the masks to be taken outside the institution, the gate supervisor will sign on the barrier permit. The masks will then be passed to a transportation contractor for delivery to the client. Such measures are to safeguard that the masks taken outside the institution are not more than the permitted quantity. CSD also requires the contractor to return the delivery note signed and confirmed by the client upon completion of delivery before settlement of transportation fees, thereby ensuring that the delivery is properly carried out.

8. Where substandard masks are produced during the mask-making process, the inmates and staff concerned will follow the established procedures to cut up and discard those masks, so as to ensure that they cannot be used.

9. Regarding the stocktaking of masks, CSD will verify the stores of all products (including CSI masks) every half year. The stores records are compared with the MMCS records for examining any loss of finished or semi-finished masks, or any discrepancies between the two records. CSD will also review whether the actual consumption of raw materials according to the stores records has deviated from the estimated quantity. In the stocktaking exercises between 2015/16 and 2019/20, CSD did not find any loss of raw materials of masks, semi-finished masks and/or finished masks, or any discrepancies between the relevant records.

10. After reviewing CSD's entire process from procurement of raw materials, mask production to delivery, we consider its mechanism largely sound and adequate. CSD has also drawn up proper protective measures to guard against misappropriation of

masks, covering the four critical procedures for storage, delivery, stocktaking of finished masks, and disposal of substandard masks. After examining the data and records of CSD, we have not found any signs of non-compliance with those measures on the part of CSD.

No Loopholes Found in the Overall Arrangements from Procurement to Distribution of CSI Masks - GLD

11. GLD uses the computerised Unallocated-Store ("U-Store") Program to process orders from B/Ds, such as recording the incoming and outgoing quantities of various stores, the estimated demand for stores from B/Ds, and the delivery of stores.

12. As regards masks (including CSI masks), GLD will request, before the start of each financial year, all B/Ds to submit their estimated demand for different types of masks in the upcoming financial year. After reviewing the estimated demand from all B/Ds, GLD will arrange for subsequent procurement of stores, taking into account the quantity of masks held in stock and the estimated aggregate demand from all B/Ds. GLD will require suppliers to deliver masks in a timely manner, and keep in its unallocated store with security measures the masks procured but not yet delivered to B/Ds. To access the unallocated store, relevant staff are required to register before collecting and returning the keys. Pursuant to the Stores and Procurement Regulations ("SPR"), GLD will also conduct surprise inspection on the security measures of the unallocated store.

13. After the start of each financial year, B/Ds may request GLD to distribute the masks by issuing e-orders via the U-Store Program. Any B/Ds in need of more masks than the approved quantity after the start of financial year should first submit justifications to GLD for consideration of their request in light of all factors. Upon approval by GLD, the B/Ds concerned will issue e-orders to GLD via the U-Store Program.

14. Upon receiving an e-order from B/D, GLD will decide on

which batch of U-Store items is to be distributed based on the "first-in first-out" principle and the suggested shelf life of masks. It will then arrange for delivery of masks to the requisitioning B/D by its own fleet or transportation contractor. In either case, GLD will require the return of delivery note signed and confirmed by the requisitioning B/D to ensure that the delivery is properly completed.

15. As for the stocktaking of masks, GLD keeps complete records of the receipt and despatch of all stores (including CSI masks), and regularly inspects its unallocated store pursuant to the SPR. According to its records between 2013 and 2019, no discrepancies were found between the physical and ledger balances of CSI masks.

16. After reviewing GLD's entire process from procurement to delivery of masks (including CSI masks) to B/Ds, we consider its overall mechanism satisfactory. To guard against misappropriation of masks during the process, GLD has adopted proper measures for three critical procedures, namely storage, delivery and stocktaking of masks (including CSI masks). Moreover, after examining the data and records of GLD, we have not found any signs of non-compliance with the relevant procedures on the part of GLD.

Inconsistent Mechanisms for Distributing Masks by User B/Ds before Pandemic

17. After announcing the launch of this direct investigation, we received comments from the public criticising that the mechanisms for distributing masks by certain B/Ds before the pandemic were lax. It was even alleged that the staff of a B/D collected and provided the leftover masks to their relatives and friends after the pandemic outbreak.

18. According to information from the seven departments, before the pandemic, certain departments distributed the majority of masks to their staff, with a small quantity reserved for back-up purpose. Certain departments placed some masks in the workplace for staff use. One particular department only provided masks upon request of staff. None of the departments would ask their staff to

sign upon receipt of the masks. Upfront distribution of masks, in comparison to the other two practices, would involve lower administrative costs, but it might result in some staff members having received masks in excess of the quantity they actually need, thus increasing the risk of those masks being given or sold to others.

19. Admittedly, masks were not in shortage before the pandemic. As masks are non-inventory items of small value, B/Ds and their subordinate units are not required under the SPR to keep detailed records for distribution of such items, much in the same way as other consumables. We, therefore, consider it understandable for some B/Ds to opt for upfront distribution of masks to staff before the pandemic. In fact, since the pandemic outbreak, all the seven departments have adopted proper measures to check against misuse of masks, and strengthened their distribution arrangements. For instance, designated officers are responsible for distribution and custody of masks and keeping a record of distribution, or staff are required to sign upon receipt of masks. Moreover, between late February and early May 2020, the departments inspected their stock of masks weekly and submitted the data to the Financial Services and the Treasury Bureau ("FSTB") at its request. The actions taken were appropriate.

20. In any event, it was revealed in a case involving a contravention of the Trade Descriptions Ordinance ("TDO") convicted by the Eastern Magistracy on 23 September 2020 that CSI masks were on sale in the market. In the long run, to minimise the risk of personal protective equipment ("PPE"), including CSI masks, being misused or even resold for profit, we recommend that GLD draw up guidelines for B/Ds on distribution and management of PPE (including CSI masks), as well as monitoring the quantity used, in normal and contingency circumstances.

Lax Procedures for Disposing of Expired Masks by a User B/D

21. According to information from C&ED, when investigating a case involving a contravention of the TDO earlier, C&ED not only

seized CSI masks on sale from the pharmacy proprietor concerned, but also found two green packaging boxes of CSI masks in the former design, printed with the manufacture dates "09 OCT 2014" and "21 NOV 2014" respectively. The case revealed that the CSI masks on sale in the market were probably expired CSI masks, which should have been discarded.

22. As a possible source of expired CSI masks was those discarded by B/Ds, we examined the procedures of the seven departments for disposing of expired masks (including CSI masks). Among the seven departments, one of them would assign staff to cut and destroy expired masks and packaging boxes, which would then be discarded in fastened plastic garbage bags. Another department, when there was an acute shortage in the supply of masks at the onset of the pandemic, kept the expired masks in good condition as the last resort and afterwards distributed some of those masks to staff for contingency use. According to information found online and provided to this Office by a civil servant, some expired masks were allegedly distributed to staff by B/Ds. We believe that if the allegation is true, some B/Ds might have distributed the expired CSI masks from their reserves to staff when the supply was tight at the onset of the pandemic.

23. We note that it is stipulated in the Guidelines and Procedures for Stores Management of Government Stores issued by GLD that all B/Ds should handle expired stores pursuant to the SPR. However, no specific procedures for disposing of expired masks are provided in the SPR and thus different practices were adopted by different departments. We understand that the decision to keep and/or distribute expired masks was one made by the department after balancing the pros and cons. Nevertheless, we consider that the quality and filtration efficiency of masks might become lower after the expiry date. If the expired masks were distributed to staff for use, or, due to the lax procedures for handling expired masks, those masks were scavenged and used by outsiders, it would not only fail to protect the users' health, but also pose a threat to public health. To prevent expired masks from being used by B/D staff or others, and to effectively guard against circulation of those masks in

the market, we recommend that GLD issue guidelines to B/Ds as soon as possible to strongly remind them to distribute masks based on the "first-in first-out" principle and their suggested shelf life, so as to avoid having unused masks beyond the expiry date. The guidelines should also stipulate a set of uniform and stringent procedures for disposing of expired masks to make sure that those masks cannot be used and sold in the market.

24. Moreover, we also recommend that GLD take this opportunity to draw up and issue to B/Ds guidelines on the disposal of expired PPE other than masks. This should ensure that expired PPE would not be distributed to staff, nor would it be scavenged and used, or even resold for profit, by outsiders after disposal. Given that expired PPE (including masks) cannot offer adequate protection, which is a potential risk to personal and public health and safety, we consider it imperative for the authorities to tackle the issue seriously.

No Evidence of CSI Masks Circulated in Market Extensively or Systematically

25. Our direct investigation stemmed from media and public reports that CSI masks were on sale in the market. Although no discoveries were made during our site visit of pharmacies in Sham Shui Po, we consider that a convicted case involving a contravention of the TDO has confirmed that CSI masks had been sold in a pharmacy. Nevertheless, according to data from C&ED, it conducted more than 38,000 inspections at retail spots between 27 January and 31 October 2020 under "Operation Guardian". Yet, other than the case mentioned above, customs officers have not discovered any CSI masks and/or their packaging boxes on display for sale. We consider that the data of "Operation Guardian" reflects to a certain extent that CSI masks have not been circulated in the local market extensively or systematically. The masks seized by C&ED were probably expired CSI masks, which should have been discarded.

26. As regards why there was an isolated case of CSI masks on sale in the market, we are unable to establish the reason in the

absence of specific and direct evidence. Nonetheless, our investigation revealed that the mechanisms for distributing masks by some departments before the pandemic were rather lax, and the procedures of a certain department for disposing of expired masks were not entirely stringent. This could increase the risk of misuse of CSI masks.

27. We must reiterate that pursuant to the SPR and the Civil Service Code, public officers are personally responsible for the safe custody of all stores received by them in the course of their duties, and shall use public resources only for the authorised purposes. Consequently, it is in breach of the SPR and the Civil Service Code to give or sell the masks to others. Additionally, anyone who sells such items may commit a criminal offence.

No Restrictions on Non-governmental Organisations ("NGOs") against Resale of CSI Masks Previously

28. We notice that NGOs in the past could purchase masks from CSD after providing certain basic information. CSD had not restricted how NGOs should use the masks, such as reselling or using them for private purposes. In fact, unless otherwise stipulated in the purchase agreement, NGOs were entitled to decide how to use the purchased CSI masks. However, after the outbreak of COVID-19, CSI masks manufactured with public resources have attracted considerable attention from the community.

29. We are pleased to learn that CSD has sought legal advice from the Department of Justice in mid-February 2020 and subsequently decided to impose restrictions on NGOs against resale, export or private usage of goods and/or services purchased from CSD. A specialised application form for placing job orders by NGOs was introduced in late April, stipulating the terms and conditions for NGOs when purchasing goods and/or services from CSD in future. On 27 November 2020, CSD informed this Office that it had decided not to consider resuming the sale of CSI masks to NGOs in future. We consider CSD to have taken proper action in this connection to address the concern raised following the

pandemic, which can reduce the potential risk of misuse of CSI masks and other goods/services.

Consideration to be Given to Setting Priorities for Accepting Purchase Orders of CSI Masks and Enhancing Transparency

30. CSD did not advertise and solicit purchase orders for its CSI masks. Apart from GLD, CSI masks were sold to those organisations approaching CSD to enquire and purchase the product after they had learned about its availability from various channels. Before the COVID-19 pandemic, CSD would decide whether to accept purchase orders from organisations other than GLD after considering any surplus production capacity of its workshop and the ability to meet the delivery deadline requested by the client. However, as CSI masks are priced significantly lower than other filter masks on sale in the market, CSD's current practice would only benefit those organisations in the know about the masks available from CSD, and would surely give an impression of inadequate transparency. When the subject of CSI masks was widely discussed in the community, public scepticism was fuelled by the lack of transparency about the sale of those masks. We agree that it is in public interest to suspend accepting purchase orders from organisations other than GLD until the COVID-19 pandemic is under control, such that CSD can concentrate resources on meeting the demand from B/Ds. Since CSD has acquired extra mask production machines to boost its mask production capacity in response to the pandemic, we reckon that CSD should review its policy of accepting purchase orders for masks in normal and contingency circumstances, after balancing such factors as optimisation of resources (i.e. mask production machines and relevant devices, equipment) and B/Ds' demand for masks. In particular, it should consider setting priorities for target clients, changing the method of accepting purchase orders from organisations other than GLD (i.e. the Hospital Authority or other public organisations) and establishing a mechanism for accepting those orders, as well as enhancing transparency of relevant information.

List of Non-B/Ds Eligible for Distribution of Masks to be

Reviewed

31. We note that in addition to B/Ds, six non-B/Ds, namely this Office, the Independent Commission Against Corruption, the Independent Police Complaints Council, the Judiciary, the Public Service Commission and the Legislative Council Secretariat, may also request distribution of masks from GLD. We accept that with adequate supply before the COVID-19 pandemic, it was unproblematic for GLD to distribute masks to non-B/Ds, such that those publicly funded organisations could purchase masks at lower costs. However, we note that other statutory bodies of similar nature are not on the name list. We suggest that GLD review the list of non-B/Ds eligible to request distribution of masks from GLD in normal circumstances.

Contingency Guidelines to be Drawn up Based on Experience of Coping with This Pandemic

32. During our direct investigation, we note that CSD has since January 2020 ceased accepting purchase orders for masks from organisations other than GLD, and continued to reserve a small quantity of masks for internal consumption, such that it can concentrate resources on meeting the demand for masks from B/Ds. At the same time, CSD has taken measures to raise the output of masks incrementally, with the monthly output gradually boosted from around 1.011 million in 2018/19 to 4.057 million in March 2020.

33. As regards GLD, it has since January 2020 adopted various means to approach manufacturers and suppliers for procurement (including direct procurement) of masks. Meanwhile, GLD conducted an open tender for procuring masks in late January 2020, thereby contacting more suppliers and diversifying the source of supply. Furthermore, in a bid to accurately assess B/Ds' demand for masks under the pandemic, FSTB requested in early February 2020 all B/Ds to review the quantity of surgical masks required monthly, such that GLD could arrange for the corresponding procurement as soon as possible and maintain adequate supply of

masks for B/Ds.

34. We consider CSD and GLD to have diligently performed their duties and endeavoured to meet the surging demand for masks from B/Ds under the pandemic. To facilitate their timely response to similar or other contingency situations in future, we recommend that CSD, based on the experience gained this time, draw up contingency guidelines regarding the criteria and priorities for accepting the purchase orders of masks and/or other PPE, and the corresponding arrangement for increasing the output of masks and/or other PPE in epidemic and/or other contingency circumstances; GLD, also based on the experience gained this time, draw up pragmatic and proper contingency guidelines regarding the collection and assessment of B/Ds' demand for masks and/or other PPE, and the corresponding arrangement for procuring masks and/or other PPE in epidemic and/or other contingency circumstances.

Failing to Disclose More Information in Timely Manner to Address Market Rumours and Public Enquiries

35. At the onset of the COVID-19 pandemic, there was a desperate shortage of masks in the local market. Concurrently, a lot of media coverage, online information and rumours about suspected misuse of CSI masks were widely circulating. It not only caused public concerns and speculations about any misuse of CSI masks, but also prompted public requests for clarification from the Government on the production and sale of CSI masks. Nonetheless, the relevant B/Ds rejected their requests, contending that the disclosure of detailed information on PPE (including CSI masks), such as the stock, usage, quantities procured and moneys involved, would undermine the bargaining power of GLD and B/Ds in their procurement exercises, given the fierce competition for sourcing PPE at that time. Meanwhile, this Office received a number of complaints about access to information related to CSI masks under the Code on Access to Information.

36. In our opinion, the outflow of CSI masks became a topic of

wide community concern partly owing to the lack of information for the public to understand and grasp the production, distribution, stocktaking and management of CSI masks by relevant B/Ds. As the public tried to obtain more information but to avail, more speculations and conjectures were generated. We accept that relevant B/Ds were fully occupied in dealing with the heavy workloads brought by the pandemic at that time. It is also worth considering whether voluntary disclosure of such information would conversely impact on the fight against the coronavirus and the stakeholders. However, allowing public speculations and rumours to persist would only reinforce the impression of cover-ups on the part of the Government.

37. We are pleased to note that the Government eventually issued in August 2020 a report on PPE to release information on the Government's procurement, stock and distribution of PPE (including CSI masks). We also urge the B/Ds concerned to take reference from this experience and contemplate how to disclose relevant information in a timely and proper manner under similar situations in future, after fully considering such factors as public interest and minimising any impact on the functions of B/Ds. This would help allay public concern and maintain public confidence in the Government.

Our Recommendations

38. In light of the above, The Ombudsman makes the following recommendations to CSD and GLD:

CSD

(1) to review its policy of accepting purchase orders for CSI masks in normal and contingency circumstances, such as setting priorities for target clients, changing the method of accepting purchase orders from organisations other than GLD and establishing a mechanism for accepting those orders, as well as enhancing transparency of

relevant information;

(2) based on the experience of meeting surging demand for masks from B/Ds this time, to draw up contingency guidelines regarding the criteria and priorities for accepting the purchase orders of masks and/or other PPE, and the corresponding arrangement for increasing the output of masks and/or other PPE in future epidemic and/or other contingency circumstances;

GLD

(3) to draw up and issue to B/Ds guidelines on distribution and management of PPE (including CSI masks), as well as monitoring the quantity used, in normal and contingency circumstances;

(4) to issue guidelines on proper disposal of expired masks to B/Ds as soon as possible, stipulating a set of uniform and stringent procedures for B/Ds to follow and strongly reminding B/Ds to distribute masks based on the "first-in first-out" principle and their suggested shelf life;

(5) to draw up and issue to B/Ds guidelines on disposal of other expired PPE (such as N95 respirators);

(6) to review which non-B/Ds are eligible to request distribution of masks from GLD in normal circumstances; and

(7) based on the experience of meeting surging demand for masks from B/Ds this time, to draw up pragmatic and proper contingency guidelines regarding the collection and assessment of B/Ds' demand for masks and/or other PPE, and the corresponding arrangement for procuring masks and/or other PPE in future epidemic and/or other contingency circumstances.

Office of The Ombudsman
December 2020

1

引言

背景

1.1 由懲教署生產的過濾口罩（即俗稱的「CSI口罩」），主要供應給政府物流服務署（「物流
署」），並由物流署分發給各政策局及部門

1（以下統稱為「部門」）使用。

1.2 2020年1 月，本港出現首宗2019冠狀病毒病（下稱「COVID-19」）確診個
案。隨着疫情的演變，市民對過濾口罩的需求出現急速增加，市面過濾口罩的供應變得嚴重短缺。與此同時，有傳媒和市民指出，市面有CSI口罩出售；亦有市民向本署投訴，懷疑有人濫用CSI口罩。

1.3 有鑑於此，申訴專員決定根據《申訴專員條例》第7(1)(a)(ii)條，向負責生產CSI口
罩的懲教署，以及負責向各部門分發CSI口罩的物流署展開主動調查，審研兩部門在CSI口罩的生產、分發和點存方面的機制、程序和執行情況，以查證當中是否有不妥善之處，並在有需要時向當局提出改善建議。

1.4 如上文所說，物流署負責將CSI口罩分發給各部門使用（下稱「用家部門」）。為了更掌握
CSI口罩的使用情況，本署抽選了五個部門作為查詢對象，希望透過以上七個部門提供的資料，進一步了解一般部門如何管理及使用CSI口罩。

1 除各政策局及部門外，本署、廉政公署、獨立監察警方處理投訴委員會、司法機構、公務員敍用委員會及立法會秘書處均可向物流署要求分發口罩。
1

調查範圍

1.5 這項主動調查的審研範圍包括：

• 懲教署生產、分發和點存CSI口罩的安排；

• 物流署採購、分發和點存CSI口罩的安排；以及

• 各用家部門就CSI口罩的管理和使用情況。

調查過程

1.6 本署於2020年3月3日就本課題向懲教署和物流署展開主動調查，並於同月5日以新聞
稿向公眾宣布此項決定，邀請市民提供相關資料和意見。截至 2020年10月31 日，本署總共收到 63 份公眾意見

2，當中有市民表示支持或反對展開此項主動調查，亦有現職或退休公務員、釋囚和其他市民
就本課題提供參考資料，包括相關新聞報道和網上流傳的訊息和照片，以及他們對事情的評論。同時，本署接獲14宗懷疑濫用CSI口罩的投訴，以及 17宗與索取CSI口罩資料有關的《公開資料守則》投訴。

1.7 本署的調查工作包括：

• 審研懲教署、物流署和各用家部門所提供的資料和統計數據；

• 與懲教署和物流署的高層及前線管理人員會面；

• 到訪懲教署羅湖懲教所口罩工場視察工作流程和檢視相關記錄；

• 審視物流署的電腦系統內的相關資料；

• 邀請公眾人士提供意見，審研他們提供的資料，並與部分資料提供者會面或電談；

• 審閱相關新聞報道和網上流傳的訊息、照片和片段；以及

• 派員到深水埗區藥房了解售賣CSI口罩的情況。

1.8 2020年 11 月 10日，本署將調查報告的初稿送交懲教署、物流署和各用家部門置評。經
考慮及適當納入相關部門的意見後，本署於2020年 12月 14日完成這份報告。

2 包括62份書面意見、1 份口頭意見。
2

2

[illegible]
CSI [illegible]

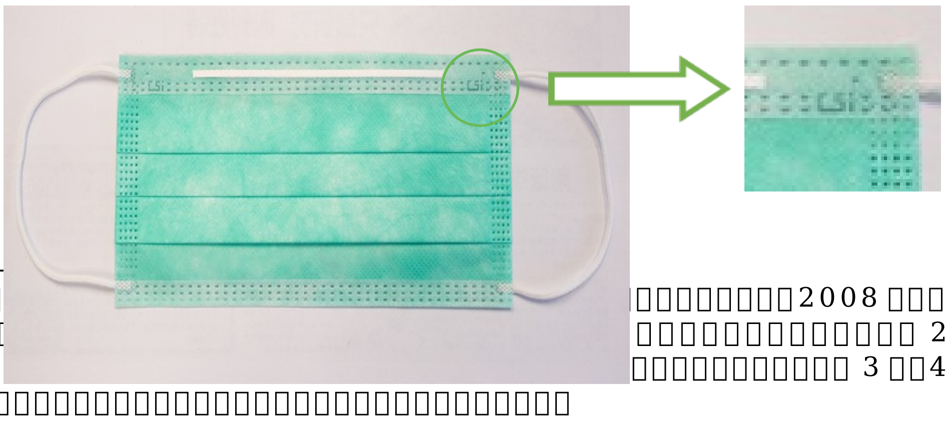
[illegible]

2.1 [illegible] CSI [illegible] CSI [illegible][3] [illegible] 2020 [illegible] 5 [illegible] COVID-19 [illegible] 2020 [illegible] 5 [illegible]

2.2 [illegible] CSI [illegible] American Society for Testing and Materials [illegible] ASTM [illegible] 2020 [illegible] 5 [illegible] ASTM F2100-19 [illegible][4] [illegible]

2.3 [illegible] CSI [illegible] CSI [illegible] **1** [illegible] **2** [illegible] 2017 [illegible] 6 [illegible] **3** [illegible]

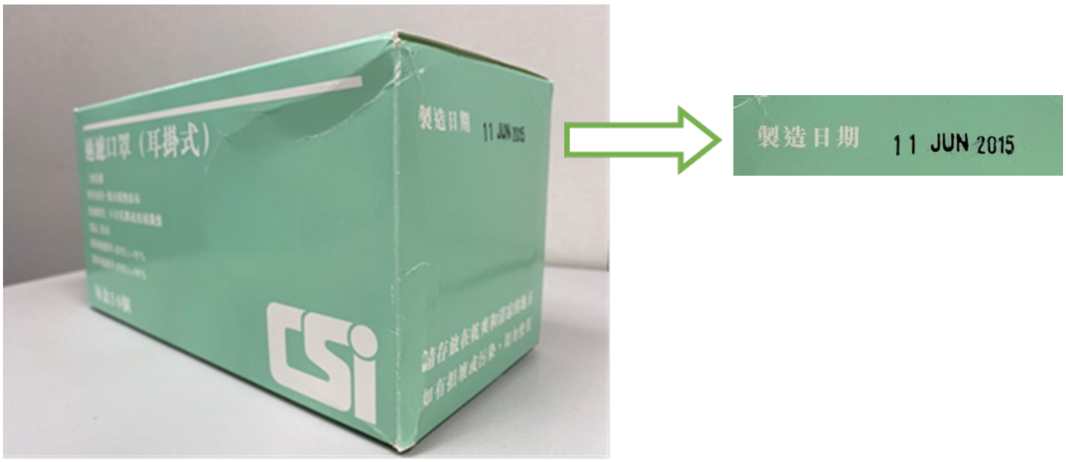
[illegible] **1** [illegible] **CSI** [illegible]



3 [illegible] 2008 [illegible] 2020 [illegible] CO[illegible] 3 [illegible] 4 [illegible] 5 [illegible]

4 [illegible] ASTM F2100-19 [illegible] 95% [illegible]

[illegible] 2 [illegible]



[illegible] 3 [illegible]

CSI [illegible]

2.4 [illegible]CSI[illegible]**2.23**[illegible]

[illegible]

2.5 CSI[illegible]**2.25**[illegible]**2.27**[illegible]2017[illegible]2019[illegible]24[illegible]CSI[illegible]10[illegible]14[illegible]

2.6 [illegible]2020[illegible]1[illegible]COVID-19[illegible]24[illegible]2020[illegible]1[illegible]2[illegible]3[illegible]147.9[illegible]213.3[illegible]405.7[illegible]2020[illegible]2[illegible]

2.7 [illegible]2020[illegible]2[illegible]70[illegible]2020[illegible]4[illegible]26[illegible]2020[illegible]3[illegible]

2.8 [illegible]2015/16[illegible]2019/20[illegible]**1**[illegible]

[illegible] 1 [illegible]

	[illegible]				
	2015/16	**2016/17**	**2017/18**	**2018/19**	**2019/20**

[illegible]		1,852.8 (100%)	1,313.3 (100%)	1,598.9 (100%)	1,213.7 (100%)	1,847.9 * (100%)
[illegible]	[illegible]	1,680 (90.7%)	1,183.2 (90.1%)	1,454 (90.9%)	1,071 (88.2%)	1,595.5 (86.3%)
	[illegible]	22.6 (1.2%)	23 (1.8%)	15.7 (1.0%)	19.6 (1.6%)	10.2 (0.6%)
	[illegible]	0 (0.0%)	0 (0.0%)	0.5 (0.0%)	1.2 (0.1%)	0.2 (0.0%)
	[illegible]	25.2 (1.4%)	22 (1.7%)	22.3 (1.4%)	16.8 (1.4%)	25 (1.4%)
	[illegible]	125 (6.7%)	85.1 (6.5%)	106.4 (6.7%)	105.1 (8.7%)	82.2 (4.4%)

* [illegible] 134.6 [illegible] 2,000 [illegible] **2.7** [illegible]

2.9 [illegible]2020[illegible]2[illegible]12[illegible]5[illegible]11[illegible]**2**[illegible]

[illegible]**2**[illegible]

[illegible]

		2020[illegible]		
		2[illegible]12[illegible]3[illegible]11[illegible]*	3[illegible]12[illegible]4[illegible]11[illegible]	4[illegible]12[illegible]5[illegible]11[illegible]**
[illegible]	[illegible]	330,000	384,600	417,200
	[illegible]	90,000	138,600	138,600
	[illegible]	217,005	203,000	210,000
	[illegible]	9,500	12,000	12,000
	[illegible]	5,900	5,900	5,900
	[illegible]	2,100	2,100	2,100
	[illegible]	654,505	746,200	785,800
[illegible]	[illegible]	0	1,750	27,750

* 2020[illegible]2[illegible]12[illegible]**2**[illegible]

2020[illegible]4[illegible]26[illegible]2.7**[illegible]

[illegible]

2.10 [illegible]2020[illegible]5[illegible]**2.1**[illegible]2020[illegible]5[illegible]71.4[illegible]

CSI[illegible]

2.11 [illegible][5][illegible]

[5] CSI[illegible]

[illegible]$0.01[illegible]**3**[illegible]CSI[illegible]

[illegible]3[illegible]CSI[illegible]*

	[illegible]	[illegible]	
		2020[illegible]5[illegible]	2020[illegible]5[illegible]
[illegible]	$0.5	$0.13	$0.55
[illegible]	-	$0.13	-
[illegible]	-	$0.14	-
[illegible]	-	$0.14	-

* [illegible]2020[illegible]8[illegible]

2.12 [illegible]$0.13[illegible]COVID-19[illegible]2020[illegible]2[illegible]**3.5**[illegible]**2.6**[illegible]

[illegible]CSI[illegible]

[illegible]

2.13 [illegible]

[illegible]

2.14 [illegible][6][illegible]

6 [illegible]

以及物流署的口罩預計訂購量，估算新合約的年期內須製造多少個口罩，以及按照產品材料清單

7計算該項原材
料的所需數目，並進行採購。該署與原材料供應商的採購合約條款訂明，該署可於合約年期內採購合共不多於指明數量的 130%或不少於指明數量的70%的原材料

8。

2.15 於採購合約的年期內，懲教署會按實際需要，定期向各原材料供應商發出採購訂單，要求對方將有關的原材料運送至合約指定的送貨地點。當院所收到供應商送交的原材料後，須將有關原材料存放於工業物料倉庫，並將有關資料輸入「管控系統」。有關倉庫均設有獨立門鎖及會上鎖，而鎖匙須存放於院所內保安嚴密的鎖匙房。如該署職員有需要進入倉庫內工作，須按既定程序領取及歸還鎖匙，鎖匙房的負責職員須核實領取鎖匙的職員之身份方可讓對方領取鎖匙並就此作記錄。一般而言，該署會儲備足夠製造一個月口罩存量的原材料。

7 產品材料清單（Bill of material）是用作說明一件產品是由甚麼及多少原材料所構成。

8 例：如採購合約上列明的指明數量為 100米的口罩布料，則懲教署可於合約年期內向供應商採購不少於 70米至不多於 130米的口罩布料。

10

[illegible]

2.16 [illegible] **2.13** [illegible]

2.17 [illegible][9] [illegible]

2.18 [illegible][10] [illegible] 50 [illegible][11] [illegible]

2.19 [illegible] **2.15** [illegible]

---

[9] [illegible]

[10] [illegible]

[11] [illegible] **2.7** [illegible]

[illegible]

2.20 [illegible][12][illegible]

2.21 [illegible] 2017/18 [illegible] 2019/20 [illegible][13][illegible] **4** [illegible] 1,000 [illegible] 5 [illegible] 7 [illegible]

[illegible] **4** [illegible]

[illegible]	**2017/18**	**2018/19**	**2019/20**
[illegible]	83,240	87,556	118,482
[illegible]	15,989,000	12,137,000	18,479,000
[illegible]	1:0.0052	1:0.0072	1:0.0064

[illegible]

[illegible]

2.22 [illegible] 11 [illegible] 12 [illegible] **3.6** [illegible] 3 [illegible] **3.9** [illegible]

2.23 [illegible]

12 [illegible]

13 [illegible]

[illegible] **2.13** [illegible]

2.24 [illegible] CSI [illegible] 2020 [illegible] 2 [illegible] 2020 [illegible] 4 [illegible][14] [illegible] 2020 [illegible] 11 [illegible] 27 [illegible] CSI [illegible]

2.25 [illegible] 2020 [illegible] 2 [illegible] 2020 [illegible] 2 [illegible][15] [illegible] **2.6** [illegible]

---

[14] [illegible]

[15] [illegible] 2020 [illegible] 5 [illegible] CSI [illegible]

送貨安排

2.26 若要安排付運口罩予提貨的客戶，相關院所的高級懲教主任（工業及職業訓練）或懲教主任（工
業及職業訓練）須將該客戶及其提取的口罩數量輸入至「管控系統」，而「管控系統」只會在有足夠口罩製成品的情況下，才會批出送貨單。在送貨當日，相關院所負責內部運輸的職員須向大閘主管出示「出閘紙」（即由總懲教主任、工業經理／工業聯絡主任或獲其授權的代表簽發的通行證），並由大閘主管核對運離院所的口罩並在「出閘紙」上簽署，才可將有關口罩交由合約運輸承辦商運送給客戶，而承辦商須將客戶簽署的送貨單交回懲教署，才可獲發相關的運輸費用。

2.27 在確認完成付運程序後，懲教署會計組會向有關客戶發出繳款單以收取款項。至於該署轄下單位
（第2.25段）的款項會經由「政府財務管理資料系統」進行轉帳交易。

點存CSI口罩的機制

盤點存貨安排

2.28 懲教署每年三月和九月均會就所有產品（包括CSI口罩）的原材料、半製成品及製成品進行盤
點。九月所進行的盤點目的是作內部稽核，而三月所進行的盤點則是用作擬備政府一般收入帳目的資產負債表（包括用作記錄工業組財務運作的懲教工業暫記帳），並由審計署進行審計。審計署於 2015/16至 2019/20年度每年發布的《香港特別行政區政府帳目審計結果報告書》，並無就懲教工業暫記帳有任何負面評價。

2.29 經進行盤點後，該署便可根據「管控系統」內的記錄，再對照盤點記錄，以了解有否口罩製成品
及半製成品遺失或與記錄不符的情況，以及透過比較系統所計算出來的結存記錄，以了解不同的原材料有否出現「Over Use（點算出來的實際使用數量比預算多）」或「Under Use（點算出來的實際使用數量比預算少）」的情況。如盤點結果顯示原材料出現「Over Use」或「Under Use」的情況，相關院所須解釋差異的原因（常見原因包括：機器勞損、維修、更換新機器等）及提交建議跟進方案，再交由總懲教主任（工業組）負責批核，而相關院所須執行已批核的跟進方案。
2.30 在2015/16至2019/20年度，懲教署於每年三月和九月所進行的盤點中，未有發
現有關於口罩的原材料、半製成品及／或製成品遺失或記錄不符的情況。換言之，在 2015/16至 2019/20年度就CSI口罩進行的盤點，並無發現任何異常情況。

3

[illegible]
CSI [illegible]

[illegible]

3.1 [illegible][16][illegible]245[illegible][17][illegible]N95[illegible]CSI[illegible]

3.2 [illegible]COVID-19[illegible]1,000[illegible][18][illegible]

3.3 [illegible]

[illegible]

[16] [illegible]**1**[illegible]

[17] 2020[illegible]5[illegible]

[18] [illegible]2020[illegible]5[illegible]**2.1**[illegible]CSI[illegible]

[illegible]

3.4 [illegible]

[illegible]

3.5 [illegible] 705(b) [illegible][19][illegible]

[illegible]

3.6 [illegible] 11 [illegible] 12 [illegible] **3.3** [illegible]

3.7 [illegible] 30% [illegible] 24 [illegible] 896(a) [illegible] 896(b) [illegible]

3.8 [illegible] 2015/16 [illegible] 2019/20 [illegible] 30% [illegible][20][illegible]

---

[19] [illegible]

[20] [illegible] 2013/14 [illegible] 2,000 [illegible] 2015/16 [illegible] 60,000 [illegible] 2013/14 [illegible] 30 [illegible] 2015 [illegible]

[illegible]

3.9 [illegible] 3 [illegible] CSI [illegible] CSI [illegible][21] [illegible]

3.10 [illegible] CSI [illegible][22] [illegible] **22** [illegible][23] [illegible]

[illegible]

3.11 [illegible] COVID-19 [illegible] 2020 [illegible] 1 [illegible] 2020 [illegible] 1 [illegible]

3.12 [illegible] 2020 [illegible] 2 [illegible] 3 [illegible] **3.20** [illegible] 800 [illegible] 800 [illegible] 2020 [illegible] 2 [illegible] 5 [illegible][24] [illegible]

---

21 [illegible] COVID-19 [illegible] 2020/21 [illegible] CSI [illegible]

22 [illegible] 140 [illegible] 140 [illegible]

23 [illegible] COVID-19 [illegible] 2015 [illegible] 120,000 [illegible] 2016 [illegible] 34,000 [illegible]

24 [illegible] 5 [illegible]

[illegible]

[illegible]

3.13 [illegible][25][illegible]

3.14 2015/16 [illegible] 2019/20 [illegible] **3.10** [illegible]

[illegible]

3.15 [illegible] **3.13** [illegible] 128 [illegible] 2020 [illegible] 9 [illegible] 21 [illegible]

[illegible]

3.16 [illegible] First-In-First-Out [illegible][26][illegible]

---

25 [illegible]

26 [illegible] CSI [illegible] CSI [illegible] CSI [illegible]

[illegible]

3.17 [illegible]

[illegible]

3.18 [illegible]

[illegible]

3.19 [illegible] COVID-19 [illegible]

3.20 [illegible][27] [illegible] 2020 [illegible] 2 [illegible] 3 [illegible]

3.21 [illegible] 2020 [illegible] 2 [illegible] 12 [illegible] **2.7** [illegible][28] [illegible] 11 [illegible] CSI [illegible] 5 [illegible] 10 [illegible] CSI [illegible]

[illegible]

---

27 [illegible]

28 [illegible] 2020 [illegible] 2 [illegible] 100 [illegible] 2020 [illegible] 3 [illegible] 21 [illegible] 100 [illegible] 200 [illegible]

3.22 [illegible] 2015/16 [illegible] 2019/20 [illegible] CSI [illegible] **2**[illegible]

3.23 [illegible] 2017/18 [illegible] 2019/20 [illegible] CSI [illegible] CSI [illegible] **3**[illegible]

[illegible]

[illegible]

3.24 [illegible] 610 [illegible] 615 [illegible]

[illegible]

3.25 [illegible][29][illegible] 1015(b)(i) [illegible] CSI [illegible] 2013 [illegible] 2019 [illegible] CSI [illegible][30][illegible] CSI [illegible] CSI [illegible] CSI [illegible] CSI [illegible]

[29] [illegible] 1015(b)(i) [illegible] 896(a) [illegible] 896(b) [illegible] 1005 [illegible] 2017 [illegible] CSI [illegible]

[30] [illegible] 2020 [illegible] 5 [illegible] CSI [illegible] 2013 [illegible] 2019 [illegible] CSI [illegible]

4

[illegible] CSI [illegible]

[illegible]

4.1 [illegible] **1.1** [illegible] **1** [illegible] CSI [illegible]

4.2 [illegible] **3.6** [illegible] **3.13** [illegible] 2020 [illegible] 2 [illegible] 2020 [illegible] 2 [illegible] **2.6** [illegible]

[illegible]

[illegible]

4.3 [illegible]

[illegible] **5** [illegible]

	[illegible]	
	[illegible]	[illegible]
(1) [illegible]	1	4

(2) [illegible]	4	2
(3) [illegible]	2	1

[illegible]

4.4 [illegible] 710(b) [illegible] 1,000 [illegible] 765(a) [illegible] 765(b) [illegible]

[illegible] 6 [illegible]

	[illegible]	
	[illegible]	[illegible]
(1) [illegible]	2	4
(2) [illegible]	4	2
(3) [illegible]	1	1

[illegible]

[illegible]

4.5 [illegible]

[illegible] **7** [illegible]

	[illegible]
(1) [illegible]	5*
(2) [illegible]	2*
(3) [illegible]	1
(4) [illegible]	0

* [illegible] 7 [illegible] (1) [illegible] (2) [illegible]

4.6 [illegible] (1) [illegible]

4.7 [illegible]

[illegible] **8** [illegible]

	[illegible]
(1) [illegible]	4
(2) [illegible]	5
(3) [illegible]	6*
(4) [illegible]	4**

* [illegible]
** [illegible]

[illegible]

4.8 在疫情發生前，在七個部門中，有一個部門會於舉辦大型公眾活動時，向有需要的公眾人士提供由物流署所供應的口罩。另外，該部門與另外兩個部門於疫情前及疫情發生後均會向有需要的訪客提供口罩。上述三個部門均不會要求獲分發口罩的公眾人士／訪客簽收。另外，在疫情前，懲教署會向有職安健及健康需要的在囚人士提供口罩。該署其後於2020年4月初開始，改為每天向每名在囚人士派發口罩。雖然該署沒有要求有關的在囚人士簽收，惟相關院所會安排指定職員負責記錄口罩的分發情況。

4.9 [illegible]

[illegible] 9 [illegible]

	[illegible]
(1) [illegible]	4
(2) [illegible]	1
(3) [illegible]	4*
(4) [illegible]	1 [illegible]

* [illegible]

[illegible]

[illegible]

4.10 [illegible] 2020 [illegible] 4 [illegible] 29 [illegible]

4.11 [illegible] 2011 [illegible] 2020 [illegible] 1 [illegible] 885 [illegible]

[illegible]

4.12 [illegible] **4.8** [illegible]

4.13 　表十列出了數據科技及分析辦公室在資料保安方面所採取的措施。第 **9(3)** 項描述的防止未經授權取用數據的措施是確保數據受到保護的重要的一環，因為這能夠避免數據在未經授權下被取用或洩露。第 **9(1)** 及第十項描述的措施亦同樣重要，因為數據科技及分析辦公室須確保由其人員所取用的數據受到妥善處理。

表 **10**：資料保安措施所獲的成熟程度評分

	成熟程度評分
(1) 資料保安政策框架	3
(2) 資料的處理、儲存及傳送方面的保安措施	2
(3) 存取控制及保安監察	2

資料保護

個人資料的保護

4.14 　我們審視了數據科技及分析辦公室就個人資料保護而採取的措施，當中包括 885 項內部指引的檢閱，以及在資料分析過程中實施的去識別化措施及其他相關的保障措施。

[illegible]

4.15 [illegible] **5(1)** [illegible] **(3)** [illegible]

[illegible] **11** [illegible]

	[illegible]
(1) [illegible]	4
(2) [illegible]	3
(3) [illegible]	5
(4) [illegible]	5
(5) [illegible]	1
(6) [illegible]	1

[illegible]

[illegible]

4.16 [illegible] **7(1)** [illegible] **(3)** [illegible] **7(2)** [illegible]

[illegible]

4.17 [illegible] **5(1)** [illegible] **(3)** [illegible]

[illegible]

4.18 [illegible] 2020 [illegible] 2 [illegible] 5 [illegible] 5 [illegible] 2020 [illegible] 5 [illegible]

[illegible]

4.19 [illegible] **3.3** [illegible]

4.20 [illegible] 2015/16 [illegible] 2019/20 [illegible] 2016 [illegible] 8 [illegible] 1,800 [illegible]

4.21 [illegible] COVID-19 [illegible] 2,888 [illegible][31] [illegible] 250 [illegible] 2,638 [illegible]

[31] [illegible] 2,888 [illegible] CSI [illegible] CSI [illegible]

5

[illegible]

[illegible]

5.1 [illegible] 2020 [illegible] 3 [illegible] 5 [illegible] 63 [illegible] **2** [illegible] 14 [illegible] CSI [illegible] 17 [illegible] CSI [illegible]

*[illegible] **CSI** [illegible]*

5.2 [illegible] 2020 [illegible] 1 [illegible] CSI [illegible] 2020 [illegible] 1 [illegible] 21 [illegible] CSI [illegible] CSI [illegible]

*[illegible] **CSI** [illegible]*

5.3 [illegible] CSI [illegible] **5.2** [illegible] CSI [illegible]

*[illegible] **CSI** [illegible]*

5.4 CSI [illegible] **2.3** [illegible] 2020 [illegible] 1 [illegible] 2009 [illegible] 2014 [illegible] CSI [illegible] 2020 [illegible] 1 [illegible] 2014 [illegible] 7 [illegible] CSI [illegible]

5.5 [illegible] 2019 [illegible] 12 [illegible] COVID-19 [illegible] CSI [illegible] 2023 [illegible] 11 [illegible] 12 [illegible] 2018 [illegible] 11 [illegible] 12 [illegible] CSI [illegible] 2020 [illegible] 1 [illegible] 26 [illegible] 2019 [illegible] 1 [illegible][32] [illegible] CSI [illegible] CSI [illegible]

*[illegible] **CSI** [illegible]*

5.6 [illegible] CSI [illegible] CSI [illegible] CSI [illegible]

[illegible]

5.7 [illegible] CSI [illegible] CSI [illegible] CSI [illegible] CSI [illegible] CSI [illegible]

[illegible]

[illegible]

5.8 [illegible] COVID-19 [illegible] 2020 [illegible] 1 [illegible] 27 [illegible]

---

32 [illegible]- https://www.info.gov.hk/gia/general/202001/26/P2020012600463.htm

「守護者」的全港性大規模防疫產品巡查執法行動，全面巡查、試購及檢視於全港各區出售的防疫產品（包括過濾口罩），並把試購所得的樣本送交化驗所作相關測試，以確保市面出售的防疫產品符合《商品說明條例》及《消費品安全條例》的規定。本署已向海關索取有關「守護者」行動中與CSI口罩有關的資料。

行動成果

5.9 截至2020年 10月31 日，海關就「守護者」行動出動超過6,100人次，巡查了超過3.8萬間次的零售點，並試購超過650款過濾口罩。行動中，海關共發現20宗懷疑違反《商品說明條例》及13宗懷疑違反《消費品安全條例》的個案（即合共33宗個案），合共拘捕84人，檢獲的懷疑違規貨品包括超過610萬個過濾口罩。

5.10 在上述33宗個案中，僅得一宗涉及附有「CSI」字樣的過濾口罩個案。涉案的藥房東主因供應產地與其聲稱不符的過濾口罩，於 2020年9月23日在東區裁判法院被裁定違反《商品說明條例》，被判罰款2千元。涉案的口罩共有 10個，口罩正面全都印有「CSI」字樣，而海關在調查此個案時，亦發現兩個附有「CSI」字樣的綠色包裝盒，分別印上「製造日期09 OCT 2014」及「製造日期 21 NOV 2014」。除上述個案外，海關人員在「守護者」行動中並未發現有 CSI口罩獨立或連包裝盒在展示出售。

31

實地考察

5.11 在本署決定進行此項主動調查後，本署人員揀選了曾被傳媒指有CSI口罩出售的深水埗一帶的藥房進行實地視察，但未有任何發現。

6

[illegible]

[illegible]

6.1 [illegible] 2020 [illegible] 1 [illegible] COVID-19 [illegible] 24 [illegible] CSI [illegible] **2.6** [illegible] **3.11** [illegible]

6.2 [illegible] CSI [illegible] CSI [illegible] CSI [illegible] CSI [illegible] CSI [illegible]

CSI [illegible]

6.3 [illegible] **2.13** [illegible]

6.4 [illegible] **2.15** [illegible] **2.16** [illegible]

職員在進入倉庫工作前及後，均須按既定程序領取及歸還鎖匙（第2.15段）。

6.5 尚待發貨的口罩製成品均暫存於上述提及的工業物料倉庫，有關職員如欲進出倉庫以提取口罩，
同樣須按既定程序領取及歸還鎖匙（第2.19段）。在付運口罩給客戶前，相關院所負責內部運輸的職員須向大閘主管出示「出閘紙」，並由大閘主管核對運離院所的口罩後在「出閘紙」上簽署，然後才將有關口罩交由合約運輸承辦商付運給客戶，以確保不會有多於獲批的口罩被運離院所。該署亦要求承辦商在完成付運口罩後必須交回經客戶簽收的送貨單，才可獲發運輸費用，從而確保該些承辦商盡力妥善完成付運（第2.26 段）。

6.6 如在製作口罩過程中生產出不合格口罩，有關的在囚人士和職員會按既定程序，剪破並棄置該些
口罩，以確保有關口罩不能使用（第2.20段）。

6.7 在點存口罩方面，懲教署每半年盤點所有產品（包括口罩），並透過對照盤點記錄和「管控系
統」中的記錄，以了解有否口罩製成品及半製成品遺失或記錄不符的情況，以及不同的原材料有否出現「Over Use」或「Under Use」的情況。該署於2015/16至2019/20年度所進行的盤點中，未曾發現有關口罩的原材料、半製成品及／或製成品遺失或記錄不符的情況（第2.28至 2.30段）。

6.8 本署檢視懲教署在採購口罩原材料、生產以至付運口罩的整個流程後認為，該署整套機制大致完
善。在防止口罩被挪用方面，該署就保管、付運、點存，以及銷毀不合格口罩這四項關鍵程序已制訂合適的保護措施（第6.3至6.7段）。本署在審研懲教署所提供的資料及記錄後，並無發現任何跡象顯示該署未有遵行上述機制行事。

由採購至分發CSI口罩之整體安排未見漏洞

6.9 物流署以電腦化的「物料系統」處理部門的訂單，包括記錄不同物料（包括CSI口罩）的收貨
量及支貨量、部門對不同物料的預計需求量，以及就不同物料的送貨安排等（第3.4段）。

6.10 就口罩而言，物流署在每個財政年度開始前，會先要求各部門提交下一個財政年度對各種口罩的
預計需求量，並在審視所有部門的預計需求量後，按該署的口罩庫存量及部門的總預計需求量（即所有部門已獲批准的口罩分發量），以安排其後的採購工作，包括要求供應商將口罩適時運送至該署，以及將採購得來而尚未付運至各部門的口罩存放在該署設有保安措施的常備庫存物料倉，而相關職員均須登記以領取及歸還倉庫鎖匙。該署亦會根據《規例》的相關規定，安排不同人員突擊抽查常備庫存物料倉的保安措施（第3.6至 3.7段）。

6.11 在每個財政年度開始後，部門可透過「物料系統」向物流署發出電子訂單，要求物流署分發有關
口罩。若有部門於財政年度開始後欲增加其已獲批准的口罩分發量，則須先聯絡物流署並提供原因，讓該署按

34

各項因素作出審視，而有關部門須經該署批核後才可透過「物料系統」向該署發出電子訂單（第3.13段）。

6.12 在收到部門發出的電子訂單後，物流署會同時參考「先進先出」的原則及有關口罩的建議儲存期，
來決定先分發常備庫存物料倉內的哪些口罩，然後將有關口罩交予該署轄下的運輸車隊或外判運輸承辦商運送至提貨部門。無論是該署的車隊或承辦商，均須交回由提貨部門簽署作實的送貨單，以確認有關的付運程序經已完成（第3.16至3.17段）。

6.13 至於點存口罩，物流署會備存所有物料（包括CSI口罩）的收發記錄（第3.24段），亦
會按照《規例》的相關規定，定期查核常備庫存物料倉的存貨，而根據該署 2013年至2019年的記錄，有關人員並無發現CSI成人口罩的存貨量與記錄不符的情況（第3.25段）。

6.14 在檢視物流署由採購至付運口罩（包括CSI口罩）給各部門的整個流程後，本署認為，該署的
整套機制完備。為防範有人從中挪用口罩，該署亦已在口罩（包括CSI口罩）的儲存、付運和點存這三項關鍵程序上採取合適的保護措施（第6.9至6.13段）。本署在審研物流署所提供的資料及記錄後，並無發現任何跡象顯示該署未有遵照有關程序行事。

各用家部門使用CSI口罩的情況

6.15 為了解一般用家部門如何處理CSI口罩，除物流署及懲教署外，本署亦向另外五個獲分發
CSI口罩的用家部門索取資料（第4.1段）。

6.16 綜合這七個部門提供的資料，本署發現，無論是口罩入帳及分發，抑或保管和點存口罩，以至處
理過期口罩等各項管理環節，各部門均無統一做法。各部門因應其規模、工作性質、實際需要、行政考慮等因素各自制訂不同的做法，根據現有《規例》本無不妥。本署的着眼點，在於有關做法會否增加CSI口罩被濫用的風險。經綜合各項資料後，本署有以下觀察及評論。

個別部門於疫情發生前的口罩分發機制存有差異

6.17 在本署收到的公眾意見當中，有指個別部門於疫情發生前的口罩分發機制寬鬆，當中更有人指稱
某部門有職員會將剩餘的口罩儲起，並在疫情發生後提供予親友使用（第5.6段）。此舉有違反《規例》第 885 條及相關的《公務員守則》條款之嫌。

6.18 綜合七個部門的資料，於疫情發生前，有個別部門會把大部分口罩分發給職員並保留少量備用；
有些則會把部分口罩放在工作間，供職員取用；亦有部門僅應職員要求才提供口罩，而所有部門均不會要求職員簽收口罩（第4.5段及表7）。雖然將口罩先行分發給職員，相較於上述另外兩種做法，所產生的行政成本較低，惟職員有可能因此獲取超過其實際所需的數量，或增加將口罩轉贈或轉售他人的風險。

6.19 惟本署須指出，於疫情發生前，口罩供應並不緊張，且屬價值不高的耗用物品，與其他消耗品一
樣，部門或其轄下單位獲分發口罩後，根據《規例》亦無須作詳細記錄（第4.4段）。故此，本署認為，即使有部門於疫情前選擇將口罩先行分發給職員，亦是可以理解。事實上，在疫情發生後，為盡力減低口罩被濫用的機會，所有七個部門均已因時制宜，收緊有關的分發安排，包括安排指定職員負責分發、保管、記錄口罩的分發情況，或要求職員簽收（第4.7段及表8）；亦有按財庫局的要求，在2020年2月下旬至5 月上旬，每星期點算並向該局提交口罩庫存量（第4.18段），做法正確。

6.20 無論如何，有CSI口罩在市面出售，屬不爭的事實（第5.10段）。長遠而言，為減低
CSI口罩及其他個人防護裝備被濫用甚或轉售圖利的風險，本署建議，物流署應就在日常及緊急情況下如何分發、管理個人防護裝備（包括CSI口罩）及監察其使用量，為部門制定指引，以便有關部門得以遵從。

個別部門的處理過期口罩程序不夠嚴謹

6.21 本署從海關提供的資料中得悉，該部門早前在調查一宗違反《商品說明條例》個案期間，除揭發
涉事藥房東主出售CSI口罩外，亦發現兩個分別印上「製造日期09 OCT 2014」及「製造日期 21 NOV 2014」的CSI口罩舊款綠色包裝盒（第5.10段）。這宗個案揭示了在市面上出售的CSI口罩有可能是過期應予丟棄的CSI口罩。

6.22 鑑於過期CSI口罩的來源有可能是部門丟棄的口罩，本署遂檢視了兩個受查部門及五個提供資
料部門處理過期口罩（包括CSI口罩）的程序。在七個部門當中，有部門會安排職員將過期口罩及其包裝盒剪破，然後放入垃圾膠袋內封好才丟掉，亦有部門於疫情初期，在口罩供應極為短缺的情況下，保留了狀況良好的過期口罩作最後應急之用，並將部分過期口罩分發給職員作緊急備用（第4.21段）。綜合網上資料及有公務員向本署提供的資料，指有部門向屬下職員分發過期的CSI口罩（第5.4段），本署認為，如果指稱屬實，這很有可能是源於有部門在疫情初期口罩供應緊張之際，將留作最後應急的過期CSI口罩分發予屬下職員。

6.23 雖然物流署向各部門發出的「政府物料管理指引和程序」（第3.3段）中列明，各部門應按照
《規例》相關規定處理過期物料，惟因《規例》未有特別規限各部門就處理過期口罩的具體程序，故各部門的做法各有不同（第4.19至4.21段）。本署理解有部門在口罩供應極為短缺的情況下，經權衡利弊後作出保留及／或分發狀況良好的過期口罩的折衷決定。然而，本署認為，口罩的質量及過濾效能在過期後或會下降，若有部門將過期口罩分發予職員使用，又或因處理過期口罩的程序不夠嚴謹以致被任何人士撿拾並使用，除了或會未能保障該些人士的健康外，更可能繼而影響公共衞生。為免有部門職員或任何人士使用過期口罩，以及有效防止過期口罩流出市面，本署建議，物流署應盡快向部門發出指引，加強提醒各部門按「先進先出」及口罩建議儲存期來分發口罩，以盡量避免口罩未經使用便過期，以及在有關指引中列明一套統一且嚴謹的處理過期口罩程序，從而確保有關口罩不會被使用及流出市面。

6.24 此外，本署亦建議，物流署亦應藉此機會，一併就如何處理過期的其他個人防護裝備，制定並向

部門發出關於處理過期個人防護裝備（除口罩外）的指引，確保過期裝備不會被分發予部門職員使用，亦不會在丟棄後被任何人士撿拾使用，甚或圖利。本署認為，失去應有保護作用的個人防護裝備，包括口罩，或會構成個人及公共衞生安全隱患，當局必須正視。

其他觀察及評論

6.25 在進行是項主動調查期間，本署亦有一些觀察所得，以及發現相關部門在不同範疇上有其他可改
善或可進一步提升的地方，詳列如下。

未有證據顯示CSI口罩大規模或有系統地流出市面

6.26 自本港於2020年 1 月出現首宗COVID-19確診個案後，市面的過濾口罩一度供不
應求。在「口罩荒」之下，有傳媒和市民指出有CSI口罩在市面出售，繼而引起公眾各種與濫用或不恰當使用CSI口罩有關的指稱（第5.2段至5.6段）。

6.27 本署展開此項主動調查，正是源於有傳媒和市民指出有CSI口罩在市面出售（第5.2段）。
儘管本署人員在深水埗一帶的藥房實地視察時未有任何發現（第5.11段），但本署認為，早前一宗被法院裁定違反《商品說明條例》的個案，已確切證明了有藥房出售CSI口罩（第5.10段）。然而，根據海關向本署提供的資料，在2020年 1 月27日至2020年 10月31 日，該部門就「守護者」行動巡查超過3.8萬間次的零售點，惟除上述個案外，其人員並未發現有CSI口罩獨立或連包裝盒在展示出售（第5.9至5.10段）。本署認為，雖然「守護者」行動的目標是打擊供應及售賣違反《商品說明條例》或《消費品安全條例》的防疫用品，而非單單針對CSI口罩，惟從有關行動的數據上來看，某程度上反映本港並未有CSI口罩大規模或有系統地流出市面的情況，同時海關查獲的，亦可能僅為過期應予丟棄的 CSI口罩。

6.28 至於何以有零星的CSI口罩在市面出售，本署在缺乏具體和直接證據的情況下，實無從確定原
因。儘管如此，本署發現個別部門於疫情發生前的口罩分發機制較為寬鬆，或在處理過期口罩的程序上不夠嚴謹（第6.17至6.24段），均可能增加CSI口罩被濫用的風險。

6.29 此外，無論是傳媒報道，抑或是本署接獲的公眾意見及投訴，均有指稱個別公務員向親屬／朋友
提供CSI口罩（第5.3段）。本署必須指出，根據《規例》及《公務員守則》的相關規定，公職人員須妥善保管在執行職務期間收到的所有物料，並為此承擔個人責任，以及把公共資源用於核准用途（第4.11 段）。故此，無論是將公物轉贈或轉售，均屬違反《規例》及《公務員守則》，而轉售行為更可能牽涉刑事罪行。然而，在分析有關資料後，本署認為資訊太籠統，又或是源自傳聞，故未有循此方向作進一步調查（第 5.3段）。

*[illegible] **CSI** [illegible]*

6.30 [illegible] **2.23** [illegible] CSI [illegible] CSI [illegible]

6.31 [illegible] 2020 [illegible] 2 [illegible] 4 [illegible] 2020 [illegible] 11 [illegible] 27 [illegible] CSI [illegible] **2.24** [illegible] CSI [illegible]

*[illegible] **CSI** [illegible]*

6.32 [illegible] CSI [illegible] **2.4** [illegible] CSI [illegible] **2.5** [illegible] COVID-19 [illegible] **2.23** [illegible] CSI [illegible] **2.11** [illegible] **3** [illegible] CSI [illegible] CSI [illegible] COVID-19 [illegible] **2.6** [illegible]

[illegible]

6.33 [illegible] **1** [illegible]

[illegible]

6.34 本署在進行此項主動調查時，留意到懲教署於2020年 1 月便已停止接受物流署以外機構的口罩訂單及繼續保留小部分口罩作內需之用，以集中資源應付各部門對CSI口罩的需求。此外，該署亦於同月陸續開展各種增加口罩生產量的工作，並成功將產量由2018/19年度的每月約 101.1 萬個，逐步提高至2020年3月的405.7萬個（第2.6段）。

6.35 至於物流署，則於2020年 1 月起透過不同途徑和方式接洽生產商及供應商，包括直接採購口罩。另外，物流署亦曾於2020年 1 月底以公開招標形式採購口罩，以接觸更多供應商及爭取更廣泛貨源。此外，為準確評估部門於疫情下對口罩的需求，財庫局於2020年2月初指示各部門重新檢視每月的醫療用途口罩需求量，讓物流署得以盡快作出相應的採購安排（第3.11至3.12段），以維持向各部門供應足夠的口罩。

6.36 本署認為，懲教署和物流署已克盡本份，盡力應付部門在疫情下急增的口罩需求。為確保兩署在日後一旦遇上同類或其他緊急事故時能盡快作出合適應對，本署建議，懲教署應檢視是次經驗，就在疫情及／或其他緊急事故下接受口罩及／或其他個人防護裝備訂單的準則和優先次序，以及增加口罩及／或其他個人防護裝備生產量的相應安排，制訂緊急應變指引；而物流署亦同樣應汲取是次經驗，就在疫情及／或其他緊急事故下收集及評估部門對口罩及／或其他個人防護裝備的需求，以及採購口罩及／或其他個人防護裝備的相應安排，制訂出務實及合適的應變指引。

未有適時披露更多資料以應對坊間傳言及市民查詢

6.37 在COVID-19疫情初期，本港經歷了一場「口罩荒」，與此同時，關於CSI口罩懷疑被濫用的報道、網上資料，以至傳言均被廣泛流傳，除了引起公眾關注及質疑CSI口罩被濫用外，亦導致社會上出現要求政府清楚交代CSI口罩生產和出售詳情的情況。惟相關部門均認為，採購個人防護裝備的工作當時正面對激烈競爭，故不宜公開披露個人防護裝備（包括CSI口罩）的庫存、使用量、購買量和金額等具體資料，以免損害物流署及各部門採購個人防護裝備的議價能力。此外，本署亦收到不少與索取CSI口罩資料相關的《公開資料守則》投訴（第 5.7段）。

6.38 本署認為，是次CSI口罩去向最終變成全城關注的課題，其中由於公眾未能在有限的資料下了解及掌握有關部門在CSI口罩的生產、分發、點存、管理方面的工作，而在公眾希望獲知更多資料卻不得要領的情況下，便會引伸出更多猜疑與聯想，包括以為政府刻意隱瞞CSI口罩的去向。本署固然理解，相關部門當時忙於處理疫情所帶來的繁重工作，亦須考慮到主動公布有關資料會否反而對其處理疫情的工作及相關持份者造成影響，惟任由公眾繼續猜疑及讓傳言發酵，只會加深公眾以為政府有所隱瞞的印象。

6.39 本署欣悉，政府最終於2020年8月向公眾發表「有關個人防護裝備的報告」，以公開政府採購、庫存和分發個人防護裝備（包括CSI口罩）的資料。本署亦希望相關部門參考是次經驗，深思一旦遇上類似事件，應如何就公眾利益、盡量不影響相關部門的工作等因素作全盤考慮，適時及適當地披露相關資料，以消除公眾疑慮，以免影響市民對政府的信任。

39

本署的建議

6.40 本署是次主動調查的焦點放在探究各相關部門如何處理CSI口罩，冀能向當局提出改善有關機制和程序的建議，以減低CSI口罩被濫用的風險。就此，本署提出以下建議：

懲教署

(1) 重新檢視在日常情況及緊急事故下接受訂購CSI口罩的政策，包括考慮就銷售對
象訂定優先次序、改變接受物流署以外機構的口罩訂單的方式及訂立接單的機制，並提升有關資訊的透明度（第6.32段）；

(2) 檢視是次應對部門口罩需求急增的經驗，就日後在疫情及／或其他緊急事故下接受口
罩及／或其他個人防護裝備訂單的準則和優先次序，以及增加口罩及／或其他個人防護裝備生產量的相應安排，制訂緊急應變指引（第6.36段）；

物流署

(3) 就在日常情況及緊急事故下如何分發、管理個人防護裝備（包括CSI口罩）及監
察其使用量，制定並向部門發出指引（第6.20段）；

(4) 盡快就處理過期口罩的恰當方法向部門發出指引，讓各部門得以跟從一套統一且嚴謹
的處理程序，並在有關指引中加強提醒各部門按「先進先出」及口罩建議儲存期來分發口罩（第6.23段）；

(5) 就如何處理過期的非口罩個人防護裝備（例如N95呼吸器），制定並向部門發出
指引（第6.24段）；

(6) 重新檢視在日常情況下哪些「非政策局及部門」可向該署要求分發口罩（第 6.33
段）；以及

(7) 檢視是次應對部門口罩需求急增的經驗，就日後在疫情及／或其他緊急事故下收集及
評估部門對口罩及／或其他個人防護裝備的需求，以及採購口罩及／或其他個人防護裝備的相應安排，制訂出務實及合適的應變指引（第6.36段）。

鳴謝

40

6.41 [illegible]

[illegible]
[illegible]**OMB/DI/437**
2020 [illegible] **12** [illegible]

公署會不時在面書上載個別投訴個案的調查報告，歡迎讚好或追蹤本署面書粉絲專頁，以獲取最新資訊：
https://www.facebook.com/Ombudsman.HK

[illegible]

[illegible]	[illegible]	[illegible]
[illegible] **1**	CSI [illegible]	5
[illegible] **2**	[illegible]	5
[illegible] **3**	[illegible]	5
[illegible] **1**	[illegible]	7
[illegible] **2**	[illegible]	8
[illegible] **3**	CSI [illegible]	9
[illegible] **4**	[illegible]	12
[illegible] **5**	[illegible]	25
[illegible] **6**	[illegible]	25-26
[illegible] **7**	[illegible]	26
[illegible] **8**	[illegible]	27
[illegible] **9**	[illegible]	28
[illegible] **10**	[illegible]	29
[illegible] **11**	[illegible]	30

[illegible] **1**

[illegible]

[illegible]

[illegible] 128 [illegible]	[illegible]
[illegible] 245 [illegible]	[illegible] 220(a) [illegible] (a) [illegible] (b) [illegible] [illegible] (a) [illegible] (b) [illegible] 265 [illegible] 260 [illegible]
[illegible] 610 [illegible]	[illegible]
[illegible] 615 [illegible]	[illegible]

[illegible]705(b)[illegible]	[illegible] 30 [illegible]
[illegible]710(b)[illegible]	[illegible] 1,000 [illegible]
[illegible]765[illegible]	[illegible] (a)[illegible]— [illegible] 291 [illegible] 775 [illegible] (b) [illegible]— [illegible] 210 [illegible] 219 [illegible] 277 [illegible]
[illegible]885[illegible]	[illegible]
[illegible]896[illegible]	[illegible]— (a)[illegible] 238 [illegible] 241 [illegible] (b) [illegible] 235 [illegible]

[illegible] 1005 [illegible]	(a) [illegible] (b) [illegible] (i) [illegible] (ii) [illegible] (iii) [illegible] (iv) [illegible] (c) [illegible]
[illegible] 1015(b)(i) [illegible]	[illegible] (i) [illegible]

□□ 2

□□□ 2015/16 □ 2019/20 □□
□□□□□□□□□□□□□□□□□□□□□□□□□□□□

		□□				
		2015/16	**2016/17**	**2017/18**	**2018/19**	**2019/20**
□□□□□□□ **CSI** □□□□		16,728,000	12,000,000	14,540,000	10,710,000	15,955,000*
□□□□□□□□□□□□□□□□□□□ **CSI** □□□□		4,546,000	1,700,000	-	-	15,740,450
□□□□□□□□□□□□□□□	CSI □□	9,190,250	10,848,000	12,453,350	13,846,350	12,075,150
	□CSI□□	1,454,000	1,737,250	1,700,000	1,700,000	-
□□□□□□□□□□□□□□□	CSI □□	15,070,250	10,394,650	13,147,000	12,481,200	21,686,350
	□CSI□□	4,262,750	1,737,250	-	1,700,000	2,302,300
□□□□□□□□□□□□□□	CSI □□	-	-	-	-	-
	□CSI□□	-	-	-	-	-
□□□□□□□□□□□□□□□	CSI □□	10,848,000	12,453,350	13,846,350	12,075,150	6,552,550
	□CSI□□	1,737,250	1,700,000	1,700,000	-	13,438,150

* □□□□□ 208,750 □□□□□□□□□□□□□□□□□ CSI □□□□□

- □□□□□ 0 □□

[illegible] 3

[illegible] 2017/18 [illegible] 2019/20 [illegible]
[illegible]

		2017/18		2018/19		2019/20	
		CSI [illegible]	[illegible] CSI [illegible]	CSI [illegible]	[illegible] CSI [illegible]	CSI [illegible]	[illegible] CSI [illegible]
1	[illegible]	200,000	-	390,000	-	1,431,250	-
2	[illegible]	44,000	-	52,000	-	23,700	-
3	[illegible]	5,750	-	2,400	2,200	7,350	-
4	[illegible]	-	-	350	-	100	50
5	[illegible]	2,000	-	1,000	1,000	2,000	-
6	[illegible]	19,100	-	5,400	2,700	13,800	-
7	[illegible]	-	-	2,500	-	2,000	-
8	[illegible]	4,600	-	6,750	-	14,700	-
9	[illegible]	-	-	-	-	200	-
10	[illegible]	332,350	-	238,950	71,350	205,800	-
11	[illegible]	42,500	-	55,000	-	67,500	-
12	[illegible]	7,900	-	2,050	-	4,650	300
13	[illegible]	44,450	-	46,650	-	108,150	28,000
14	[illegible]	7,500	-	7,700	150	7,300	-
15	[illegible]	-	-	11,000	4,000	227,100	10,000
16	[illegible]	6,000	-	5,500	-	20,500	-
17	[illegible]	39,450	-	34,550	52,500	35,250	-
18	[illegible]	11,000	-	8,500	8,500	12,000	-
19	[illegible]	-	-	-	-	19,450	-
20	[illegible]	-	-	2,500	-	1,000	-
21	[illegible]	266,850	-	270,000	-	1,652,350	-
22	[illegible]	5,500	-	5,000	-	5,900	-
23	[illegible]	300	-	350	-	350	-
24	[illegible]	291,250	-	136,000	140,550	1,221,150	1,000,000
25	[illegible]	4,350	-	4,250	3,550	4,750	-
26	[illegible]	7,500	-	28,450	-	28,700	-
27	[illegible]	40,500	-	53,000	-	58,000	5,500
28	[illegible]	13,100	-	9,750	10,550	20,450	-
29	[illegible]	-	-	3,000	-	30,700	-

30	□□□□□	20,000	-	15,000	-	28,350	-
31	□□□□□□□	13,350	-	17,800	-	20,600	850
32	□□□□□□□	3,500	-	6,500	-	14,450	-
33	□□□□□	-	-	-	-	4,000	-
34	□□□□□	142,650	-	105,550	35,050	124,450	-
35	□□□□□	400	-	450	-	1,900	-
36	□□□□□□□□□□□	4,250	-	4,150	-	12,650	-
37	□□□□□□□□□□□□□□□□□[1]	15,000	-	15,650	-	42,150	-
38	□□□□□□ (□□□)	2,500	-	2,500	-	1,550	250
39	□□□□□□ (□□□)	-	-	-	-	-	-
40	□□□□□□□	3,600,000	-	2,828,450	211,550	1,600,000	-
41	□□□□□	4,800	-	5,000	-	6,000	-
42	□□□□□□□□	-	-	-	-	-	-
43	□□□□□□□	50,000	-	-	-	-	-
44	□□□□	662,100	-	861,450	217,550	633,300	-
45	□□□□	92,750	-	431,600	-	188,600	-
46	□□□□	6,800	-	9,600	11,100	32,750	-
47	□□□□□	660,000	-	495,000	5,000	2,632,650	250,000
48	□□□□□□□	6,000	-	1,750	2,000	5,000	-
49	□□□	55,100	-	27,100	27,100	55,300	-
50	□□□	33,000	-	13,950	32,400	22,950	-
51	□□□	2,316,650	-	2,607,200	240,950	3,824,900	-
52	□□□□□	-	-	500	2,000	-	-
53	□□□□□□□□(□□□)	-	-	600	-	17,500	-
54	□□□□□□□□(□□□□□)	-	-	1,000	1,000	1,000	-
55	□□□□□□□□(□□□□□□)	5,100	-	1,300	1,250	1,950	-
56	□□□□□□□□(□□□□□□□□)	50	-	1,550	-	150	-
57	□□□□□□□□	280,000	-	475,000	40,000	460,000	-
58	□□□	196,700	-	258,250	6,750	143,550	500,000
59	□□□	10,500	-	300	9,550	13,500	-
60	□□□□□□□□□□	-	-	-	-	3,000	-

61	[illegible]	1,500	-	2,500	-	3,050	850
62	[illegible]	1,550	-	2,250	-	3,500	-
63	[illegible]	2,000	-	2,000	-	2,000	-
64	[illegible]	25,000	-	7,000	7,000	40,000	-
65	[illegible]	114,800	-	79,550	-	50,500	6,500
66	[illegible]([illegible])	3,000	-	1,950	-	5,200	-
67	[illegible] ([illegible])	-	-	-	-	4,000	-
68	[illegible]	101,200	-	109,050	-	91,350	-
69	[illegible]	6,150	-	16,400	-	21,350	-
70	[illegible]	23,600	-	29,400	400	29,500	-
71	[illegible] ([illegible])	-	-	-	-	2,500	-
72	[illegible]	117,750	-	170,000	-	97,350	-
73	[illegible]	750	-	300	300	2,800	-
74	[illegible]	-	-	-	-	100	-
75	[illegible]	87,050	-	119,000	-	60,400	-
76	[illegible]	500	-	500	-	600	-
77	[illegible]	228,100	-	311,150	50,500	616,350	-
78	[illegible]	-	-	-	-	-	-
79	[illegible]	2,650,000	-	1,800,000	500,000	4,823,750	500,000
80	[illegible]	38,500	-	200	1,500	2,350	-
81	[illegible]	1,150	-	300	-	-	-
82	[illegible]	100,250	-	143,350	-	134,200	-
83	[illegible]	67,000	-	116,500	-	39,750	-
84	[illegible]	-	-	-	-	537,400	-
	[illegible]	**13,147,000**	**-**	**12,481,200**	**1,700,000**	**21,686,350**	**2,302,300**

[1] [illegible]

- [illegible] 0 [illegible]